

### **REMARKS**

Claims 1-10 and 24-26 and 30-45 are now pending in the application. Claims 11-13 and 27-29 have been cancelled and claims 14-23 were previously withdrawn. Applicant would like to thank the Examiner for the courtesies extended to Applicant's representative during a telephone interview on October 22, 2008. During the interview, Applicant's representative and the Examiner agreed that the proposed amendment to Claim 1 would overcome the cited references. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-13 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 1 and 7 have been amended to address the rejection. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 7 have been amended to address the rejection. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 1-13, 24-29 and 32-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mittal et al. (2003/0154125) in view of Dureau (2002/0056112). This rejection is respectfully traversed.

It is believed that the claims, as amended, patentably distinguish over Mittal in view of Dureau. Notwithstanding, Independent Claims 1, 7 and 24 have been amended and Independent Claim 41 has been added to more clearly define the features of the present invention. Applicant respectfully submits that support for the claim amendments can be found throughout the specification. In particular, Applicant directs the Examiner's attention to Paragraphs 0012 – 0020 for a detailed description of the added functionality.

Of note, Claim 1 recites, in part, the handheld device locally determining whether the user is in proximity to the distribution module during a predetermined period or whether the user is attentive to the television broadcast for a predetermined period. Neither Mittal nor Dureau teach this feature. Mittal teaches "offer validity periods," i.e. a duration for which the coupon is valid, but Mittal does not invalidate or otherwise revoke an electronic coupon based on a user not being attentive to the broadcast. In Mittal once a coupon is distributed, the only ways that the coupon can become invalidated are either by use of the coupon or expiration of the coupon. It is further noted that Dureau does not cure the deficiencies of Mittal. Therefore, it is respectfully submitted that Claim 1, along with claims depending therefrom, defines patentable subject matter over Mittal viewed in light of Dureau. Furthermore, Claims 7, 24 and 41 recite similar subject-matter and all contain features similar to the added

feature of claim 1. Therefore, Claims 7, 24 and 41, and the claims depending therefrom, also define patentable subject matter over Mittal in view of Dureau.

Dependent Claims 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mittal in view of Dureau in view of Webb (2002/0071076). It is respectfully submitted that the rejection has become moot in view of Applicant's amendments, as Claims 30 and 31 depend from Claim 1.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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